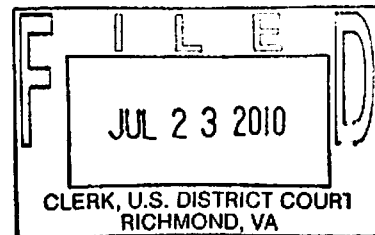


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



ePLUS, INC.,

Plaintiff,

v.

Civil No. 3:09cv620

LAWSON SOFTWARE, INC.

Defendant.

ORDER

Having reviewed the DEFENDANT'S MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF ASSERTED CLAIMS UNDER 35 U.S.C. § 101 (Docket No. 316) for claiming unpatentable subject matter and finding that the motion is based on a distorted reading of the decision in Bilski v. Kappos, No. 08-964, Slip Op. (U.S. Sup. Ct. June 28, 2010) and the principal decisions cited therein, Diamond v. Diehr, 450 U.S. 175 (1981); Parker v. Flook, 437 U.S. 584 (1978); and Gottschalk v. Benson, 409 U.S. 63 (1972), and that there are genuine disputes of material facts as to the issues underlying the legal issue of patentability (specifically Lawson's asserted Facts Nos. 9-11), the DEFENDANT'S MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF ASSERTED CLAIMS UNDER 35 U.S.C. § 101 (Docket No. 316) is denied.

The issues are adequately briefed and oral argument would not materially aid the decisional process.

It is so ORDERED.

/s/ REP  
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Senior United States District Judge

Richmond, Virginia  
Date: July 22, 2010